IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13799 of 2004

Between:

Polymastics rep by Proprietor M. Veeranarayana Reddy S/o Anki Reddy
R/o 1-779, Dwarakanagar, Kadapa, Kadapa District

..... PETITIONER

AND

1 The Executive Officer, TTD Tirupati, Chittoor District
2 The Executive Engineer-V TTD., Tirumala, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not receiving the application of the petitioner and in refusing to supply the tender schedules to the petitioner pursuant to the tender notice dated 09-07-2004 in RTO. No. ADV. 05/EE-V/2004-05 as illegal, arbitrary, unreasonable unfair, discriminatory unconstitutional and consequently direct the respondents to issue fresh tender notice inviting the bids for the work providing reflective studs at important places and curves among second Ghat road at Tirumala" and take appropriate action on the representation submitted by the petitioner on 25-07-2004 and 26-07-2004

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondent No.: MR.M.ADINARAYANA RAJU

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the alleged action of the 2nd respondent in not receiving the application of the petitioner and in refusing to supply the tender schedules to the petitioner pursuant to the tender notice dated 09.07.2004 as arbitrary and illegal and consequently to direct the 2nd respondent to issue a fresh tender notice.

The petitioner alleges that though they have complied with all the requirements as specified in the tender notification and made applications in time, the 2nd respondent refused to supply the tender documents and consequently they were deprived of the opportunity to participate in the tenders. It is contended that the action of the 2nd respondent is arbitrary and illegal and abuse of the power conferred on him and therefore the entire tender process is vitiated. Hence, this writ petition.

It is to be noted that as per the impugned tender notification, the last date for issuing the tender schedules was 24.07.2004 and the last date fixed for receipt of tenders was 27.07.2004. The date of opening the tenders was also on 27-07-2004 and even the period of work in question is only one month. In the circumstances, I do not find any justifiable reason to interdict the tender process at this stage on the mere allegations made by the petitioner. However, the learned Counsel for the petitioner states that the petitioner has already made a representation before the 1st respondent-Executive Officer on 26-07-2004 bringing to his notice the irregularities committed by the 2nd respondent and the same is pending.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to look into the complaint made by the petitioner vide his representation dated 26.07.2004 and to take necessary action in accordance with law, if it is found that the petitioner was denied the tender

schedules without there being any justifiable reason.

Writ petition is, accordingly, disposed of. No order as to costs.

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05-08-2004

Note: Issue C.C. in three days.

B/o

klp

To

1 The Executive Officer, TTD Tirupati, Chittoor District
2 The Executive Engineer-V TTD., Tirumala, Chittoor District

3 Two C.D copies.